

Appl. No. : **10/731989**
Filed : **December 9, 2003**

REMARKS

By this paper, the Applicant has amended Claims 14, 17, 20, 21, and 24, canceled Claims 27-31, and added Claims 32 and 33. Thus, Claims 14-26, and 32-33 are now pending and presented for further examination.

Claims 14, 17 and 18 were objected to for certain informalities. Claims 14, 17, and 18 have been amended to correct the informalities cited in the Office Action.

Claims 15, 16, 18 and 23 were each objected to as depending from a rejected claim. Claims 15, 16, 18, and 23 have each been amended to include all the limitations of the base claim from which they depend. It is respectfully submitted that these claims are allowable.

Claims 21 and 24 were rejected under 35 U.S.C. Section 112(e) as being indefinite. Claims 21 and 24 have been amended to correct the language and the Applicant submits that Claims 21 and 24 are in compliance with 35 U.S.C. Section 112(e).

On page 4 of the Office Action the Examiner rejected Claims 14, 17, 19, 20, 22, 24, and 25 under 35 U.S.C. 102(e) as being anticipated by Miles et al (U.S. 6,680,792). In the last paragraph starting on page 4 and continuing to page 5 of the Office Action the Examiner states:

“In regard to claim 14, Miles et al discloses a light modulator, comprising: an array of interferometric display elements arranged in rows and columns (column 13, lines 26-34 and column 18, line 60 – column 19 line 5, Figures 18A, B, and 29A-C), each element comprising a predetermined number of sub-elements (column 13, lines 29-31, Figure 18B, “1803”), wherein the number of sub-elements is determined by a desired bit depth (column 11, lines 34-42) and each element is approximately the same size (Figure 18B); electrical connections between the sub-elements such that the electrical connection is forms a sub-element cascade (column 13, lines 27-34, Figure 18B); and an array connection line corresponding to each row of display elements

(Figure 18A), wherein each array connection line is electrically connected to a sub-element in each display element (Figure 18B, "1810")."

Claim 14, as amended now includes the limitation "wherein at least one sub-element is configured to selectively form an electrical connection connecting said array connection line to at least one other sub-element." Support for this amendment may be found at page 9, lines 15-20 of the application as filed.

The applicant respectfully submits that Miles does not teach the subject matter as defined in applicant's Claim 14. In particular the applicant respectfully submits that Miles does not teach sub-elements configured to selectively connect the array connection line to another sub-element. Instead Miles teaches that *all* of the sub-elements within a pixel location *are always* connected to the array connection line. Miles teaches that "...each of the pixel locations 1802 may be filled with an array of *parallel connected Imods* 1803." (Column 13, lines 30-31, *emphasis added*). Figures 17B and 18B of Miles depict such arrays. Thus, the applicant submits that Claim 14 overcomes Miles, and is in condition for allowance. The applicant further submits that Claims 15-16, which depend from Claim 14 are also in condition for allowance.

For reasons similar to those set forth above with regard to Claim 14, the applicant respectfully submits that Miles does not teach the subject matter as defined in applicant's Claim 17. Thus, the applicant submits that Claim 17 overcomes Miles, and is in condition for allowance. The applicant further submits that Claims 18-19, which depend from Claim 17 are also in condition for allowance.

In the third paragraph starting on page 5 of the Office Action the Examiner states:

"In regard to claim 20, Miles et al discloses a light modulator, comprising: an array of interferometric elements (column 10, lines 37-55, Figure 7A, "700, 702, 704", sub-pixel); each element comprising a pre-determined number of sub-elements, each of a different size

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corresponding to a different binary weight of display information (column 10, lines 39-42, wherein the number of sub-elements depends upon a desired bit depth (column 11, lines 34-42).”

Claim 20, as amended now includes the limitation that each sub-element comprises “a single movable layer having a surface area, wherein the surface area corresponds to a different binary weight of display information” Support for this limitation is provided in Figure 7 and at page 7, lines 17-25 of the application as filed. In this embodiment, different individual sub-elements have different reflective areas.

The applicant respectfully submits that Miles does not teach the subject matter as defined in applicant’s Claim 20. In particular the applicant respectfully submits that Miles does not teach at least that sub-elements comprise single movable layers having surface areas of different sizes. Instead Miles teaches that groups of sub-elements may be formed to create sub-arrays where the total number of sub-elements within each sub-array has a binary relationship with the number of sub-elements within the other sub-arrays. In the arrays of Miles, each sub-element is the same size so that the amount of area covered by each sub-array is proportional to the total number of sub-elements in the array. (Column 13, lines 30-31).

Thus, the applicant submits that Claim 20 overcomes Miles, and is in condition for allowance. The applicant further submits that Claims 22, 23, and new Claim 32, which depend from Claim 20 are also in condition for allowance.

For reasons similar to those set forth above with regard to Claim 20, the applicant respectfully submits that Miles does not teach the subject matter as defined in applicant’s Claim 24. Thus, the applicant submits that Claim 24 overcomes Miles, and is in condition for allowance. The applicant further submits that Claims 25, 26, and new Claim 33, which depend from Claim 24 are also in condition for allowance.

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II. Conclusion

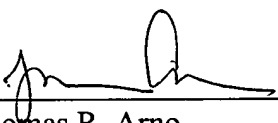
For at least the reasons discussed with respect to Claims 14-26, and 32-33, the applicant submits that these Claims are patentable. Thus, the applicant respectfully requests withdrawal of the outstanding rejections and, particularly, that all claims be allowed. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully invited to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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